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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/100,569    06/19/98    BURKE

M    CASE-2-1-3-2

EXAMINER

TM02/0228

DOCKET ADMINISTRATOR (RM 3C-512)  
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ART UNIT

PAPER NUMBER

2634

DATE MAILED:

02/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/100,569

Applicant(s)

BURKE ET AL.

Examiner

Shuwang Liu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/19/1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9-13, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Stengel et al. (Patent Number 5303411).

As shown in figure 1, Stengel et al discloses a method and receiver for receiving a signal on a receive path of a receiver, comprising:

(1) regarding claim 1:

injecting a desensitization signal (outputted from 38 in figure 1) into said receive path (12, 14, 16, 20, 39 in figure 1) to raise the noise level of said receive path relative to said signal level (column 2, lines 9-42).

(2) regarding claim 2:

further including the step of

amplifying said signal on said receive path with an amplifier (20); and

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wherein said step of injecting further includes:

injecting said desensitization signal into 39 of said receive path after said amplifier (20).

(3) regarding claim 3:

further including the step of:

providing a noise source (40) as said desensitization signal.

(4) regarding claim 4:

further including the step of:

providing a continuous wave signal by the oscillator (40) as said desensitization signal.

(5) regarding claim 9:

further including the step:

attenuating said desensitization signal by element 38 prior to said step of injecting.

(6) regarding claim 10:

wherein said step of injecting further including the step of

coupling said desensitization signal by element 39 onto said receive path.

(7) regarding claim 11:

A receiver (figure 1) having a receive path for (12, 14, 16, 20, 39, et al. in figure

1) receiving a signal, said receiver

comprising:

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a desensitization signal source ( 40) that is capable of producing a desensitization signal (outputted from 38) on a desensitization signal path; and

a coupler (39) connected to said desensitization signal path and said receive path and injects said desensitization signal into said receive path to raise the noise level on said receive path relative to the signal level (column 2, lines 9-42).

(8) regarding claim 12:

wherein said desensitization signal source comprises

a noise source (40) producing a noise signal on said desensitization path.

(9) regarding claim 13:

wherein said desensitization signal source comprises

a continuous wave signal source (40) producing a continuous wave signal on said desensitization path.

(10) regarding claim 15:

further comprising:

an attenuator (38) on said desensitization signal path receives and adjusts the level of said desensitization signal on said desensitization signal path.

(11) regarding claim 16:

further comprising:

an amplifier (20) on said receive path; and

said coupler (39) located on said receive path after the output of said amplifier (20).

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Claims 1-5, 7, and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (Patent Number 5519888.).

As shown in figures 4 and 9, Hall et al discloses a method and receiver for receiving a signal on a receive path of a receiver, comprising:

(1) regarding claims 1-4:

injecting a desensitization signal (outputted from 13 in figure 4, 160 in figure 9) into said receive path (41) to raise the noise level of said receive path relative to said signal level (column 3, line 36- column 4, line 3, abstract).

(2) regarding claim 5:

further including the step of:

modulating a continuous wave signal (outputted from 159 and 160) using a modulating signal source (162) to produce a modulated desensitization signal (outputted from 161) as said desensitization signal.

(3) regarding claim 7:

wherein said step of modulating including the step of

mixing said continuous wave signal with a modulating signal from said modulating signal source by element 161 to produce said modulated desensitization signal.

(4) regarding claims 11-13 and 15-16:

A receiver (figures 4 and 9) having a receive path for (41 in figure 4) receiving a signal, said receiver

comprising:

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a desensitization signal source (16 and 13 in figure 4, 159 and 160 in figure 9) that is capable of producing a desensitization signal on a desensitization signal path; and

a coupler (43 in figure 4, 163 in figure 9) connected to said desensitization signal path and said receive path and injects said desensitization signal into said receive path to raise the noise level on said receive path relative to the signal level (column 3, line 36- column 4, line 3, abstract).

(5) regarding claim 14:

further comprising:

a continuous wave signal source (159 in figure 9, 16 and 13 in figure 4) producing a continuous wave signal;

a modulating signal source (162) producing at least one modulating signal; and

a modulator (161) receives said continuous wave signal and said at least one modulating signal and modulates said continuous wave signal using said at least one modulating signal to produce a modulated desensitization signal as said desensitization signal.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al.

Hall et al. discloses all of the subject matter as described above except for providing the continuous wave signal to an I/Q modulator.

However, it is well known that the modulator can be implemented by using I/Q modulator as would be understood by one of ordinary skill in the art.

It would have been obvious to one of the ordinary skill in the art at the invention to incorporate the well known I/Q modulator to the receiver as taught by Hall et al. so as to improve the noise type modulation in the receiver.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. in view of Menant (Patent Number 4270222).

Hall et al. discloses all of the subject matter as described above except for providing the continuous wave signal to an adjustable attenuator;

However, Menant teaches the adjustable attenuator (18) as shown in figure 2.

It would have been obvious to one of the ordinary skill in the art at the invention to incorporate the adjustable attenuator to the producing desensitization signal path in the receiver as taught by Hall et al. so as to improve the receiver to be as the adjustable sensitivity of the receiver.



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**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shuwang Liu whose telephone number is (703) 308-9556. The examiner can normally be reached on M-F 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin, can be reached on (703) 305-4714.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 308-9051 (for formal communications intended for entry)

**Or:**

(703) 308-6743 (for informal or draft communications, please label

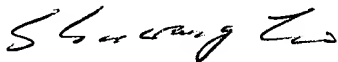
"PROPOSED" OR "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington VA, Sixth Floor (Receptionist).



Shuwang Liu  
February 22, 2001



**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**